

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:09CR426
	)	
v.	)	
	)	
TOBY L. McCUNN,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on the findings and recommendation (Filing No. [25](#)) of the magistrate judge, recommending that the motion to suppress (Filing No. [15](#)) be denied. The Court notes no objections have been filed thereto.

The Court has reviewed the motion to suppress (Filing No. [15](#)), brief in support of motion to suppress (Filing No. [16](#)), and the plaintiff's brief in opposition thereto (Filing No. [18](#)), as well as the transcript of the hearing (Filing No. [24](#)), and finds that the findings and recommendation of the magistrate judge should be approved and adopted. Accordingly,

IT IS ORDERED:

1) The findings and recommendation of the magistrate judge are approved and adopted.

2) The motion to suppress is denied.

3) Trial of this matter is scheduled for:

**Monday, March 29, 2010, at 9 a.m.**

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, or as soon thereafter as may be called by the Court. This will give the parties time to pursue plea negotiations or prepare for trial, and the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between March 1, 2010, and March 29, 2010, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 1st day of March, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court